

President's bill is somewhat different. Of course, we need to find a reasonable agreement among those groups to come up with something that works. I certainly encourage that we do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to make my remarks while seated at my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

THE NORTH SHORE ROAD MUST BE COMPLETED

Mr. HELMS. Mr. President, for some time I have felt inclined to discuss in the Senate a matter for the RECORD and of importance to the people living in the far western counties of North Carolina and in the beautiful mountains adjacent to the Tennessee border.

The matter involved is the federal government's finally fulfilling after a fashion a commitment made in 1943 in writing by the U.S. Government to the citizens of Swain County. The federal government proposed to build a road along the north shore of Fontana Lake which was created in World War II to provide power to the TVA. This written commitment was made to citizens who voluntarily gave up their homes to support the U.S.'s World War II defense efforts.

The federal government has not yet fulfilled its commitment, and that has caused a great deal of resentment and mistrust of the government among the citizens of Swain County and other surrounding counties on the North Carolina side of the Great Smoky Mountains National Park.

These citizens understandably believe that the federal government should now live up to its written commitment made during World War II because these people gave up their homes in order that Fontana Lake could be built so that power could be generated by TVA.

But, there has been a curious development. A small group of citizens in Swain County now proposes to ask that the federal government buy them out, thereby voiding that federal government commitment made in 1943. They presented the proposal that they be bought out to the Swain County Commissioners, and, praise the Lord, the commissioners rejected this suggestion.

So as a result of the \$16 million appropriation in the fiscal year 2001 Department of Transportation and Related Agencies Appropriations Bill, this project has at long last begun to move. The National Park Service and the Federal Highway Administration have restarted this process to complete that road as promised, in writing, in

1943 to the citizens of Swain County and western North Carolina.

Mr. President, I have a letter in hand, along with the text of the resolution adopted by the Swain County Commissioners which expresses their thanks for the \$16 million that provided for continued road construction and improvements that were included in the fiscal year 2001 Transportation and Related Agencies Appropriations Bill.

The commissioners of Swain County want that road completed. The people of Swain County want that road completed.

Mr. President, I ask unanimous consent that the aforementioned letter and resolution be printed in the RECORD, following which I shall resume my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 9, 2001.

JESSE HELMS,
*Dirksen Senate Building,
Washington, DC.*

SENATOR JESSE HELMS: I again take this opportunity to thank you for the continued support you have showed for projects in Swain County.

Attached is a statement, which you should have received earlier, thanking you for the work you have done on behalf of Swain County and the North Shore Road.

Sincerely Yours,

JIM DOUTHIT,
Chairman, Swain County Commissioners.

SWAIN COUNTY BOARD OF COMMISSIONERS STATEMENT REGARDING THE APPROPRIATION OF \$16M FOR CONSTRUCTION OF AND IMPROVEMENTS TO THE NORTH SHORE ROAD

The Swain County Board of Commissioners would like to thank Senator Jesse Helms, Congressman Charles Taylor, and President Bill Clinton for making available from the Highway Trust Fund for Swain County 16 million dollars for construction of and improvements to the North Shore Road in Swain County North Carolina.

With the completion of this road, the federal government will have fulfilled their contract with Swain County known as the 1943 Agreement, then trust can be restored between Swain County and the federal government. We feel this appropriation will go a long way in helping Swain County.

Mr. HELMS. Mr. President, roads in national parks are vital pieces of economic infrastructure that fuel the engines of economic growth. In fact, the National Park Service itself recognizes as much on its Web site. Let me quote: "Recreation travel accounts for 20 percent of travel in the United States. Park roads are a vital part of America's transportation network, providing economic opportunity and growth in rural regions of the country. In addition to the park access, motor tourism has created viable gateway communities en route. In some areas entire economies are based on park road access. Examples include communities near Yellowstone, Glacier, and Great Smoky Mountains National Parks, and the Blue Ridge Parkway."

Why on Earth, then, are these economic benefits denied to the people living in the counties on the North Carolina side of the Great Smoky Mountains National Park? I will tell you why. The Department of the Interior and the National Park Service have been held hostage by self-proclaimed environmentalists and their sympathizers in the Interior Department who are horrified, obviously, by their pretended apprehension that environmental Armageddon will somehow result from the construction of a simple "two-lane dustless road," as specifically called for in the 1943 agreement, signed by the Federal Government.

Mind you, this would be a Blue Ridge Parkway-type road allowing for greater access on the North Carolina side of the park just as long ago occurred on the State of Tennessee side a few miles west.

Additionally, according to the National Park Service statistics, there are 5,000 miles of paved roads and 3,000 miles of unpaved roads in the National Park System of this country. My question is, can anybody seriously suggest that 30 more miles will cause an environmental Armageddon? The thought is laughable. Of course not. But that is the ringing cry of these professional environmentalists.

In fact, the Federal Government began building the road back in 1963, and did build 2½ miles of it. In 1965, they built another 2.1 miles. Then in 1969, they built an additional mile, plus a 1,200-foot-long tunnel.

That was when, Mr. President, the self-appointed environmentalists created an uproar and forbade the Federal Government from going further, which has caused, by the way, economic problems for the four North Carolina counties surrounding the park that I am talking about.

Road engineering has improved enormously since that most recent section was built in 1969. Many more improved methods are now available to address the concerns thrown up by these self-appointed environmental opponents of progress.

Let me make it clear, I have no problem with our Tennessee neighbors who are ably represented by Senators FRIST and THOMPSON, but I am obliged, as a Senator from North Carolina, to emphasize some meaningful and relevant statistics of the National Park Service.

In the 2000 report, which has the most recent statistics available, the Park Service stated that 4,477,357 visitors came to the North Carolina side of the park, while 5,698,455 visitors came to the Tennessee side of the park. Of course, for anybody who wants to figure it out, it is a difference of 1,221,098 visitors.

Additionally, according to the latest available retail sales per capita figures from the U.S. Census Bureau, the four Tennessee counties surrounding the

park have averaged \$9,431.25, but the average for the four North Carolina counties that need that road for more tourists to come there have averaged \$7,964.00, a difference of \$1,467.25, if you want to get down to the penny.

The North Carolina State average is \$9,740.00 per capita, and the Tennessee State average is \$9,448.00 per capita. The four Tennessee counties surrounding the park averaged just \$16.75 under the Tennessee State average. The four North Carolina counties, on the other hand—the four counties of which we are talking about in terms of building this road along the north shore of Fontana Lake—come in \$1,776.00 under the North Carolina average.

Now then, these figures are among countless indications of the inequities between the North Carolina side and the Tennessee side of the Great Smoky Mountains National Park.

Let me assure the Administration of this: I have met with the distinguished Director of the National Park Service, Fran Mianella and she is a very pleasant lady—to let her know that this is a significant issue with citizens of western North Carolina who have been neglected.

I am hopeful she and Secretary Norton will give this matter their highest priorities and will continue to move this project well away from those who have for too long been holding it hostage.

I will continue my opposition to a Federal buyout of the Federal Government's commitment in 1943 to the citizens of Swain County and western North Carolina. I commend the commissioners of Swain County for standing flatfooted against it as well.

Mr. President, I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

GINA'S LAW

Mr. DORGAN. Mr. President, I have today written a letter to the Attorney General and to the head of the Office of Management and Budget expressing my great concern over regulations that should now have been in place as a result of a law that was signed by the President last December. That law would have required regulations to be published by the Justice Department in

July. No such regulations have been published.

Here is the background of this issue. I, along with my colleague, then-Senator John Ashcroft, authored legislation that became law, when signed by the President, dealing with the transportation of violent criminals around this country. Private companies have been contracted by State and local governments to transport prisoners around America from one prison and one location to another.

These private companies were transporting violent criminals, and all too often those criminals were walking away. We decided the companies that were hauling violent offenders were not adhering to standards or regulations and there should be some regulations. The President signed a bill, authored by myself and then-Senator Ashcroft, establishing regulations with respect to private companies that are transporting violent prisoners.

The law is called Gina's bill. It is named for an 11-year-old girl in Fargo, ND, who was murdered brutally by a man named Kyle Bell. Kyle Bell was being sent to a prison in Oregon after being convicted of first-degree murder, being transported by a private company in a bus. They stopped for gas. One guard was asleep; the other apparently went in to get a cheeseburger. The other guard was filling the bus with gasoline. Kyle Bell slipped out the top vent of the bus, walked in street clothes into a parking lot of a shopping center and was gone for 3 months. They found him. He is now in prison.

This has happened all too often: Violent offenders, including convicted murders, walking away from private companies that are transporting them. There should have been regulations in place in July of this year that establish how these private companies are transporting violent criminals. As for me, I don't believe any State or local government should ever contract with a private company to turn over a murderer to be transported somewhere. Law enforcement officials ought to transport convicted murderers.

As long as some State and local governments are using private companies for that transport, those private companies ought to be subject to regulation as is required by the law signed by the President in December, regulations such as what kind of restraints are used, what color clothing is required to be worn by the violent offender being transported, the training of the guards, and so forth.

Since July, when the regulation should have been in effect, in Wisconsin a private company was hauling a violent criminal and that violent criminal escaped and stabbed a law enforcement officer in the neck. Down South, a private company was transporting a violent offender. The violent offender escaped and went on a bank robbing spree.

When we passed the law, I told the story of a retired sheriff and his wife showing up at a prison to pick up five convicted murderers with a minivan. The warden said: You have to be kidding; you and your wife are here to pick up five convicted murderers to transport them?

He was not kidding. They put them in the minivan. Those five convicted murderers escaped, of course. That is why we wrote the law and why the President signed it. That is why in July the Justice Department had a responsibility to put the regulations in place. To date, nearly 5 months later, those regulations do not exist.

I have written to the Attorney General and the Office of Management and Budget to say lives are at stake. The public safety is at stake. Get this done and get it done now.

This law, called Gina's bill, named after this wonderful 11-year-old girl who was brutally murdered by Kyle Bell, is a law designed to keep violent offenders behind bars, keep them in the arms of law enforcement officials, and make certain if they are transported by those other than law enforcement officials, they are transported safely.

I don't want any American family to drive to a gas pump somewhere and have a minivan drive up next to them with a retired law enforcement officer and his brother-in-law calling themselves a transport company hauling three murderers in the back seat and not having the basic safety standards in place to make sure that transportation is safe. I don't want any family to come up to a gas station and have that situation next to them and put them at risk. That is why we wrote this bill. That is why the President signed it into law.

I hope my letter to the Attorney General and the Office of Management and Budget will stimulate them to do what they should have done in the month of July. I know there are reasons that bureaucracies act in a slow way and drag their feet from time to time. There is no good reason for this to have happened. I ask the Attorney General for his cooperation. I ask the head of the Office of Management and Budget to cooperate. Get this done. The Congress required you to do it after 180 days. That was July. This is December. It should have been done 5 months ago.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the recess be